

EXHIBIT 1

JUL-25-2007 12:00P FROM:SVACA

(408)9885411

19162314111

P.6

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stuart M. Wilson SBN 94633 1671 The Alameda, Suite 300 San Jose, California 95126 TELEPHONE NO: (408) 293-8400 FAX NO. (Optional): (408) 293-0714 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY PLD-PI-001 07/25/07
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: San Jose, California 95113 CITY AND ZIP CODE: BRANCH NAME: Downtown - Unlimited Jurisdiction		
PLAINTIFF: Lee Jackson and Kenneth Jackson DEFENDANT: Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society Silicon Valley <input checked="" type="checkbox"/> DOES 1 TO 20		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 07/25/07

1. Plaintiff (name or names): **Lee Jackson and Kenneth Jackson**
 alleges causes of action against defendant (name or names): **Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society Silicon Valley**
2. This pleading, including attachments and exhibits, consists of the following number of pages: **13**
3. Each plaintiff named above is a competent adult
- a. ☐ except plaintiff (name): **Silicon Valley Animal Control Authority**
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe): **Unknown type**
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):
- b. ☐ except plaintiff (name): **City of Santa Clara**
- (1) ☐ a corporation qualified to do business in California
 - (2) ☐ an unincorporated entity (describe):
 - (3) ☐ a public entity (describe): **California City**
 - (4) ☐ a minor ☐ an adult
 - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
 - (b) ☐ other (specify):
 - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Silicon Valley Animal(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):
Form Unknown(5) ☐ other (specify):c. ☒ except defendant (name): City of Campbell(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):

City

(5) ☐ other (specify):b. ☒ except defendant (name): City of Santa Clara(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe):
City(5) ☐ other (specify):d. ☒ except defendant (name): Humane Society Silico(1) ☒ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 to 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 11 to 20 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):9. ☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

SHORT TITLE:

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Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☐ Motor Vehicle
- b. ☒ General Negligence
- c. ☒ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify):

Exemplary Damages

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☐ loss of earning capacity
- g. ☒ other damage (specify):

Other damage not known at this time

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a. ☐ listed in Attachment 12.
 - b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☒ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: 1-29-07

Stuart M. Wilson

(TYPE OR PRINT NAME)

Stuart M. Wilson

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER: PLD-PI-001(2)
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First _____ CAUSE OF ACTION—General Negligence Page 4
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 _____ to 20 _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): December 19, 2005

at (place): Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals.

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	PLD-PI-001(2) CASE NUMBER:
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Second **CAUSE OF ACTION—General Negligence** Page 5
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): City of Campbell

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): December 22, 2005

at (place): Santa Clara, California

(description of reasons for liability):

Defendant unlawfully conducted a post-seizure hearing in which Defendant found that the seizure of Plaintiff's property on 12-19-05 was lawful. Said finding was a denial of the due process rights of Plaintiffs and was an abuse of discretion violating Plaintiffs rights to a fair due process hearing.

SHORT TITLE:

PLD-PI-001(2)

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

Third

(number)

CAUSE OF ACTION—General Negligence

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): On or about 12-19-05

at (place): Santa Clara, California

(description of reasons for liability):

Defendants negligently hired, trained and supervised employees including A. Morris, Al Davis, and others not known known by name who participated in the events surrounding the unlawful seizure of Plaintiffs' pet animals on 12-19-05.

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

PLD-PI-001(2)

CASE NUMBER:

Fourth

(number)

CAUSE OF ACTION—General Negligence

Page 7

ATTACHMENT TO ☐ Complaint ☒ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): On or about 12-19-05

at (place): Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals thereby negligently inflicting severe emotional and mental suffering and distress upon the Plaintiffs.

PLD-PI-001(3)

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER

Fifth

(number)

CAUSE OF ACTION—Intentional TortPage 8ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date) December 19, 2005
at (place) Santa Clara, California

(description of reasons for liability):

Defendant unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals. Said acts constitute assault and battery.

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	PLD-PI-001(3) CASE NUMBER
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Sixth

(number)

CAUSE OF ACTION—Intentional Tort

Page 9

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
 on (date) December 19, 2005
 at (place) Santa Clara, California

(description of reasons for liability):

Defendant unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals. By said acts Defendants intentional inflicted severe emotional and mental suffering and distress upon Plaintiffs.

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	PLD-PI-001(3) CASE NUMBER
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Seventh **CAUSE OF ACTION—Intentional Tort** Page 10
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date) December 19, 2005
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals. Plaintiffs were the lawful owners of said pet animals and were entitled to possession of the animals. By said acts Defendants unlawfully converted the pet animals to their use.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER
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Eighth **CAUSE OF ACTION—Intentional Tort** Page 11
(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date) December 19, 2005
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals. Such acts violated Plaintiffs' rights to be free of unreasonable searches and seizures under the Fourth and Fourteenth Amendments to the U.S. Constitution and is actionable under 42 U.S.C. section 1983.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER
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Ninth

(number)

CAUSE OF ACTION—Intentional Tort

Page 12

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Humane Society Silicon Valley

☒ Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff
on (date) December 19, 2005
at (place) Santa Clara, California

(description of reasons for liability):

Defendant took possession of the Plaintiffs' pet animals that had been seized by the Silicon Valley Animal Control Authority and converted them to their own use.

SHORT TITLE:

Jackson v. Silicon Valley Animal Control Authority

CASE NUMBER:

PLD-PI-001(6)

Exemplary Damages Attachment

Page 13

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant (name):

Silicon Valley Animal Control Authority and City of Santa Clara

Plaintiff alleges defendant was guilty of

- ☒ malice
☒ fraud
☒ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendants unlawfully entered Plaintiffs' motorhome, unlawfully seized Plaintiffs pet animals, unlawfully detained Plaintiffs and assaulted and battered Plaintiff Lee Jackson, causing Plaintiffs severed mental, emotional and physical harm and depriving them of their property, pet animals.

EX-3. The amount of exemplary damages sought is

- a. ☒ not shown, pursuant to Code of Civil Procedure section 425.10.
b. ☐ \$

Page 1 of 1

1 MARK F. HAZELWOOD, # 136521
2 DIRK D. LARSEN, #246028
3 LOW, BALL & LYNCH
4 505 Montgomery Street, 7th Floor
5 San Francisco, California 94111-2584
6 Telephone: (415) 981-6630
7 Facsimile: (415) 982-1634

8 Attorneys for Defendant
9 SILICON VALLEY ANIMAL CONTROL AUTHORITY
10

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SANTA CLARA
13

14 LEE JACKSON and KENNETH JACKSON,
15 Plaintiffs,
16

17 v.

18 SILICON VALLEY ANIMAL CONTROL
19 AUTHORITY, CITY OF SANTA CLARA, CITY
20 OF CAMPBELL, HUMANE SOCIETY SILICON
21 VALLEY DOES 1 TO 20,
22 Defendants.
23

Case No.: 107CV079050

[PROPOSED] ORDER
GRANTING MOTION TO STRIKE

Date: September 25, 2007
Time: 9:00 a.m.
Dept.: 22

Complaint filed: January 29, 2007

BY FAX

24 Defendant SILICON VALLEY ANIMAL CONTROL AUTHORITY's ("Defendant") motion to
25 strike a portion of plaintiffs LEE JACKSON and KENNETH JACKSON's ("Plaintiffs") complaint (the
26 "Complaint") filed in this action came on regularly for hearing in Department 22 of this Court on
27 September 25, 2007. Low, Ball & Lynch appeared on behalf of Defendant, and _____
28 appeared on behalf of Plaintiffs.

Having read and considered all papers submitted by the parties in regard to this motion, and
having heard all oral argument presented by the parties relating thereto, this Court rules as follows:

Defendant SILICON VALLEY ANIMAL CONTROL AUTHORITY's motion to strike a portion
of Plaintiff's Complaint is GRANTED. Therefore, the following portion thereof is stricken without
leave to amend pursuant to Code of Civil Procedure §§ 435(b)(1) and (3), 431.10(b)(3), and 436:

1. Plaintiffs' Exemplary Damages Attachment with respect to Defendant: Wherein

1 Plaintiffs seek to recover exemplary damages from Defendant, alleging that
2 Defendant was guilty of malice, fraud and oppression. (Complaint at 13.)

3 IT IS SO ORDERED.

4
5 Dated: _____

6
7 _____
8 JUDGE OF THE SUPERIOR COURT
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1 MARK F. HAZELWOOD, # 136521
2 DIRK D. LARSEN, #246028
3 LOW, BALL & LYNCH
4 505 Montgomery Street, 7th Floor
San Francisco, California 94111-2584
Telephone: (415) 981-6630
Facsimile: (415) 982-1634

5 Attorneys for Defendant
6 SILICON VALLEY ANIMAL CONTROL AUTHORITY

ENDORSED

2007 AUG 23 P 2:52

KIM TIGHE, CLERK OF THE SUPERIOR COURT
COUNTY OF SANTA CLARA, CALIFORNIA
BY A. Ilas
CITY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SANTA CLARA
10

11 LEE JACKSON and KENNETH JACKSON,
12 Plaintiffs,

13 v.

14 SILICON VALLEY ANIMAL CONTROL
15 AUTHORITY, CITY OF SANTA CLARA, CITY
16 OF CAMPBELL, HUMANE SOCIETY SILICON
VALLEY DOES 1 TO 20,

17 Defendants.

Case No.: 107CV079050

PROOF OF SERVICE
(Motion to Strike)

BY FAX

Jackson v. Silicon Valley Animal Control Authority, et al.
Santa Clara County Superior Court Case No.: 107CV079050

PROOF OF SERVICE

I am over the age of eighteen (18) years and not a party to the within action. I am employed at Low, Ball & Lynch, 505 Montgomery Street, 7th Floor, San Francisco, California 94111.

On the date indicated below, I served the following documents enclosed in a sealed envelope on the listed addresses:

DOCUMENT: DEFENDANT SILICON VALLEY ANIMAL CONTROL AUTHORITY'S:

- NOTICE OF MOTION AND MOTION TO STRIKE PORTION OF PLAINTIFF'S COMPLAINT;
- MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF;
- REQUEST FOR JUDICIAL NOTICE IN SUPPORT THEREOF; and
- [PROPOSED] ORDER GRANTING MOTION TO STRIKE

ADDRESSES:

Stuart M. Wilson, Esq.
1671 The Alameda, Suite 300
San Jose, CA 95126
Telephone: 408/293-8400
Facsimile: 408/293-0714

☐ (BY MAIL) I placed a true copy, enclosed in a sealed, postage paid envelope, and deposited same for collection and mailing at San Francisco, California, following ordinary business practices, addressed as set forth below.

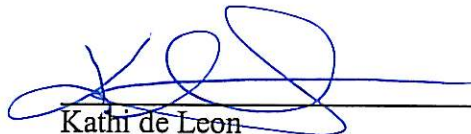
☐ (BY FACSIMILE) I caused the said document to be transmitted by Facsimile transmission to the number indicated after the addresses noted above or on the attachment herein.

☒ (BY OVERNIGHT COURIER) I caused each such envelope addressed to the parties to be deposited in a box or other facility regularly maintained by the overnight courier or driver authorized by the overnight courier to receive documents.

I am readily familiar with this law firm's practice for the collection and processing of documents for regular and certified mailing, overnight mail, and facsimile transaction, and said document(s) are deposited with the United States Postal Service or overnight courier depository on the same day in the ordinary course of business.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Francisco, California on August 23, 2007.


Kathi de Leon